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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,695

03/02/2004

David R. Zittel

338.072

8767

23409 7590 07/05/2007  
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EXAMINER

SIMONE, TIMOTHY F

ART UNIT

PAPER NUMBER

1761

MAIL DATE

DELIVERY MODE

07/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10791695	3/2/04	ZITTEL ET AL.	338.072

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**EXAMINER**

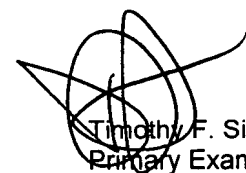
Timothy F.. Simone

ART UNIT	PAPER
1761	20070628

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

  
Timothy F. Simone  
Primary Examiner  
Art Unit: 1761

## OFFICE ACTION

The amendment filed June 18, 2007 proposes amendments to the claims that do not comply with 37 CFR 1.173, which sets forth changes shown by markings in reissue applications. A supplemental paper correctly amending the reissue application is required.

Pursuant to 37 CFR 1.173, any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

(1) The matter to be omitted by reissue must be enclosed in brackets.

(2) An amendment of a "new claim" (i.e. a claim not found in the patent, that was previously presented in the reissue application) must be done by presenting the amended "new claim" (i.e. claims 17-38) containing the amendatory material, and completely underlining the claim. The presentation cannot contain any bracketing or other indication of what was in the previous version of the claim. This is because all changes in the reissue are made vis-à-vis the original patent, and not in comparison to the prior amendment. Although the presentation of the amended claim does not contain any indication of what is changed from the previous version of the claim, applicant must point out what is changed in the "Remarks" portion of the amendment or by a marked-up copy of the amended claims. Also, per 37 CFR 1.173(c) and as noted above, whenever there is an amendment to the claims there must also be supplied, on pages separate from the pages containing the changes, the status (i.e., pending or canceled),

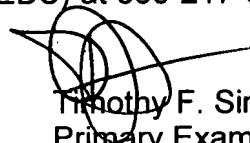
Art Unit: 1761

as of the date of the amendment, of all patent claims and *explanation* of the support in the disclosure of the patent for the changes made to the claims.

Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.173. See MPEP 1453.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy F. Simone  
Primary Examiner  
Art Unit 1761